

## Guidance on Use of Seclusion, Restraint, and Time-Out on HISD Campuses

### Introduction

On HISD campuses there are students with severe, challenging, or dangerous behaviors which may require the use of seclusion, restraint and time-out to prevent injury, damage to property, or the interruption of discipline. In the use of these behavior management procedures, teachers and other authorized school staff are reminded to treat all students, including students with disabilities who receive special education services, with respect and dignity (TAC §89.1053(a)). These procedures must be used as a last resort in conjunction with a range of positive behavior intervention practices, implemented in such a way as to protect the health and safety of the student and others, and must not inflict injury, cause harm, demean, or deprive the student of basic human necessities (TAC §89.1053(j)).

### Seclusion

#### Definition

Seclusion is defined as a behavior management technique in which a student is confined in a locked box, locked closet, or locked room that is designed solely to seclude a person and contains less than 50 square feet of space (TEC 37.0021(b)(2)).

#### Restrictions

Pursuant to the TEC 37.0021(c) and TEC 37.0021(a) a school district employee or volunteer or an independent contractor of a district may **NOT** place a student in seclusion, and a student with a disability who receives special education services must **NOT** be confined in a locked box, locked closet, or other specially designed locked space as either a discipline management practice or a behavior management technique.

Pursuant to the TEC 37.0021(f) this rule does not prevent a student's locked, unattended, confinement in an emergency situation while awaiting the arrival of law enforcement personnel if:

- (1) The student possesses a weapon (TEC 37.0021(f)(1); TEC 37.007(a)(1); Tex Penal Code 46.01(3); Tex Penal Code 46.01(6); Tex Penal Code 46.01(1); Tex Penal Code 46.05); **and**
- (2) The confinement is necessary to prevent the student from causing bodily harm to the student or another person (TEC37.0021(f)(2)).



## **Restraint**

### Definition

Restraint is defined as the use of physical force or a mechanical device to significantly restrict the free movement of all or a portion of the student's body (TAC §89.1053(b)(2); TEC 37.0021(b)(1)).

### Exceptions

Restraint does not include the use of:

- (1) Physical contact or appropriately prescribed adaptive equipment to promote normative body positioning and/or physical functioning (TAC §89.1053(f)(1)).
- (2) Limited physical contact with a student to promote safety (e.g., holding a student's hand), prevent a potentially harmful action (e.g., running into the street), teach a skill, or provide comfort ((TAC §89.1053(f)(2)).
- (3) Limited physical contact or appropriately prescribed adaptive equipment to prevent a student from engaging in ongoing, repetitive self-injurious behaviors (TAC §89.1053(f)(3)).
- (4) Seat belts and other safety equipment used to secure students during transportation (TAC §89.1053(f)(4)).

### Restrictions

Pursuant to the TAC §89.1053(c) restraint may be used only in an emergency, which is defined as a situation in which a student's behavior poses a threat of imminent, serious, physical harm to the student or others, or imminent, serious property destruction (TAC §89.1053(b)(1)), and with the following limitations:

- (1) Restraint must be limited to the use of such reasonable force as is necessary to address the emergency.
- (2) Restraint must be discontinued at the point at which the emergency no longer exists.
- (3) Restraint must be implemented in such a way as to protect the health and safety of the student and others.
- (4) Restraint must not deprive the student of basic human necessities.

### Applicability

These rules generally apply to:

- (1) all school employees, volunteers, or independent contractors (TAC §89.1053);
- (2) peace officers who are employed or commissioned by a school district (TEC 37.0021(h)(1)), or provide, as school resource officers, a regular police presence on a



school district campus under a memorandum of understanding between the district and a local law enforcement agency (TEC 37.0021(h)(2));

- (3) peace officers performing law enforcement duties on school property or during a school-sponsored or school-related activity only with regard to the data reporting requirements concerning the use of restraint (TEC 37.0021(i); (TEC 37.0021(g)(1)).

These rules do not apply to:

- (1) juvenile probation, detention, or corrections personnel;
- (2) educational services providers with whom the child is placed by a judicial authority, unless the services are provided in an educational program of a school district (TEC 37.0021(g)(2); TAC §89.1053(l)).

### Training

Training (Crisis Prevention Intervention; CPI) for school employees, volunteers, or independent contractors must be provided according to the following requirements:

- (1) A core team of personnel on each campus (Crisis Intervention Team) must be trained in the use of restraint; and the team must include a campus administrator or designee and a general or special education personnel likely to use restraint (TAC §89.1053(d)(1)).
- (2) Personnel called upon to use restraint in an emergency and who have not received prior training must receive training within 30 school days following the use of restraint (TAC §89.1053(d)(2)).
- (3) Training on use of restraint must include prevention and de-escalation techniques and provide alternatives to the use of restraint (TAC §89.1053(d)(3)).
- (4) All trained personnel must receive instruction in current professionally accepted practices and standards regarding behavior management and the use of restraint (TAC §89.1053(d)(4)).

### Documentation and Notification

The following documentation requirements must be met in a case in which restraint is used by school employees, volunteers, or independent contractors:

- (1) On the day restraint is used, the campus administrator or designee must be notified verbally or in writing regarding the use of restraint (TAC §89.1053(e)(1)).
- (2) On the day restraint is used, a good faith effort must be made to verbally notify the parent regarding the use of restraint (TAC §89.1053(e)(2)).
- (3) Written notification of the use of restraint must be placed in the mail or otherwise provided to the parent within one school day of the use of restraint (TAC §89.1053(e)(3)).
- (4) Written documentation regarding the use of restraint must be placed in the student's special education eligibility folder in a timely manner so the information is available to the admission, review, and dismissal (ARD) committee when it considers the impact of



the student's behavior on the student's learning and/or the creation or revision of a behavior intervention plan (BIP) (TAC §89.1053(e)(4)).

- (5) Written documentation to the parent ([Parent Cover Letter--English](#) and [Restraint Use Written Summary—English](#) or [Parent Cover Letter--Spanish](#) and [Restraint Use Written Summary—Spanish](#)) and documentation to the student's special education eligibility folder must include the following (TAC §89.1053(e)(5):
- Name of the student
  - Name of the staff member or staff members administering the restraint
  - Date of the restraint and the time the restraint began and ended
  - Location of the restraint
  - Nature of the restraint
  - A description of the activity in which the student was engaged immediately preceding the use of restraint
  - The behavior that prompted the restraint
  - The efforts made to de-escalate the situation and alternatives to restraint that were attempted
  - Information documenting parent contact and notification
- (6) For students placed in the Behavior Support Classrooms, use of restraint can be documented in Review 360 under "Incidents." Review 360 users will be prompted to fill out the Restraint Use Written Summary and the parent cover letter when the "Restraint" button is selected. Completed Restraint Use Written Summary and parent cover letter will be stored in Review 360. A copy of the completed documents can be printed to send home to the parent and filed in the student's special education eligibility folder respectively.

## Reporting

Cumulative data regarding the use of restraint by school employees, volunteers, independent contractors, and by peace officers must be electronically reported through the Texas Education Agency's Public Education Information Management System (PEIMS).

## **Time-Out**

## Definition

Time-out is defined as a behavior management technique in which, to provide a student with an opportunity to regain self-control, the student is separated from other students for a limited period in a setting that is not locked, and from which the exit is not physically blocked by furniture, a closed door held shut from the outside, or another inanimate object (TAC §89.1053(b)(3)); TEC 37.0021(b)(3)).



### Restrictions

School employees, volunteers, or independent contractors may use time-out with the following limitations:

- (1) Physical force or threat of physical force must **NOT** be used to place a student in time-out (TAC §89.1053(g)(1); TAC §89.1053(b)(3)).
- (2) Time-out must only be used in conjunction with an array of positive behavior intervention strategies and techniques and must be included in the student's individualized education program (IEP) and/or BIP if it is used on a recurrent basis to increase or decrease a targeted behavior (TAC §89.1053(g)(2); TAC §89.1053(b)(3)).
- (3) Use of time-out must **NOT** be implemented in a fashion that precludes the ability of the student to be involved in and progress in the general curriculum and advance appropriately toward attaining the annual goals specified in the student's IEP (TAC §89.1053(g)(3); TAC §89.1053(b)(3)).

To ensure effectiveness, time-out should be implemented in the following ways:

- (1) The behaviors that will lead to a time-out should be stated explicitly.
- (2) Staff should be sure that the student understands the behaviors.
- (3) Students should be taught how to take a time-out at the beginning of the school year and have an opportunity to practice.
- (4) The student should be continuously supervised during time-out.

### Suggested Time-Out Procedure

- (1) Verbally identify the student's misbehavior. Example: Tell the student in a calm manner, "Joe, you have chosen to fight, the consequence is a time-out for 15 minutes." No other conversation is necessary. Do not argue or bargain with the student. Do not respond to his/her attempts to verbally engage you.
- (2) If staff encounters resistance from the student during this procedure, assistance may be sought from another staff member. Staff should review the Texas Behavior Support Initiative Manual prior to attempting to physically assist a student to a time-out area or time-out room.
- (3) Time-out begins when the student is quiet and accepts the time-out appropriately (no kicking, banging, yelling, etc.). A timer is useful for measuring the duration of the time-out.

### Time-Out "Do" and "Do Not"

#### (1) DO

- stay calm.
- use appropriate interaction (calm voice, appropriate tone).



- use a supportive stance in order to maintain safety and to respect the student's body space.
- give the student choices. Example: "You can walk to the time-out area or I can help you." Staff should only give the student two choices that they can carry out.
- be specific with directions about what behavior will get the student out of time-out.
- remove any objects that might be harmful to the student before allowing him or her to enter the time-out area.
- continuously monitor the student in time-out.

(2) Do Not

- over react.
- attend to verbal provocation during time-out.
- yell or scream.
- assume a posture that can be perceived as threatening. Example: crossed arms, finger pointing, and hands on hips.
- leave students in time-out for a lengthy period of time.
- allow students to be unsafe in time-out. Examples: climbing, banging the door, throwing objects, etc.
- use time-out in the office before interventions in the classroom have been attempted.

## Training

Training for school employees, volunteers, or independent contractors must be provided according to the following requirements:

- (1) General or special education personnel who implement time-out based on requirements established in a student's IEP and/or BIP must be trained in the use of time-out (TAC §89.1053(h)(1)).
- (2) Newly identified personnel called upon to implement time-out based on requirements established in a student's IEP and/or BIP must receive training in the use of time-out within 30 school days of being assigned the responsibility for implementing time-out (TAC §89.1053(h)(2)).
- (3) Training on the use of time-out must be provided as part of a program which addresses a full continuum of positive behavioral intervention strategies, and must address the impact of time-out on the ability of the student to be involved in and progress in the general curriculum and advance appropriately toward attaining the annual goals specified in the student's IEP (TAC §89.1053(h)(3)).
- (4) All trained personnel must receive instruction in current professionally accepted practices and standards regarding behavior management and the use of time-out (TAC §89.1053(h)(4)).



### Documentation

Necessary [documentation](#) or data collection regarding the use of time-out, if any, must be addressed in the IEP or BIP. The ARD committee must use any collected data to judge the effectiveness of the intervention and provide a basis for making determinations regarding its continued use (TAC §89.1053(i)).

### **Final Remark**

This brief guidance is developed to assist school personnel in planning appropriate strategies for managing the behavior of students with severe behavioral difficulties, and to ensure that they can act appropriately and in a safe manner in difficult situations.





Houston Independent School District  
Office of Special Education Services

Parent Cover Letter for Written Summary of Restraint Use

Name \_\_\_\_\_

Date \_\_\_\_\_

Your child was involved in an emergency situation on (date) that resulted in the use of physical restraint. Attached is a summary of the incident and a written description of the physical restraint used, including the behaviors your child exhibited before physical restraint was used. During the time of restraint, your child was observed by staff trained in the use of physical interventions for any signs of physical distress. The use of restraint ended as soon as the emergency situation no longer existed. This information is provided for your review and to seek your input into this situation.

The attached information will be filed in your child's special education eligibility folder so that the Admission, Review and Dismissal (ARD) Committee may use this information in considering the need for changes in your child's Individualized Education Program (IEP) and/or Behavior Support Plan (BSP). Please call me at (phone number) if you would like to schedule an ARD committee meeting to review your child's IEP or BSP.

Commissioner's Rule for Special Education, Section 89.1053. Procedures for the Use of Restraint and Time-Out, states that restraint of a student with a disability may be used only in a clearly defined emergency situation. Schools must inform parents when it becomes necessary to use restraint in an effort to protect the student, other students or prevent serious property damage.

Please contact (insert name and phone number) if you would like to schedule a conference to discuss the behaviors leading up to the use of physical restraint. If you have other questions, please contact me at (insert phone number).

Sincerely,

Campus Administrator

c: Special Education Eligibility Folder

Attachment – Written Summary of Restraint Use





**Distrito Escolar Independiente de Houston  
Oficina de Servicios de Educación Especial**

(Carta de introducción: Resumen escrito sobre uso de contención física)

Estimado \_\_\_\_\_

Fecha \_\_\_\_\_

El día \_\_\_\_ (*Date*) su hijo(a) estuvo involucrado en una situación de emergencia que resultó en el uso de medios de sujeción o contención física. Un resumen del incidente y una descripción escrita de los medios de sujeción o contención usados, incluyendo la conducta de su hijo del uso de dichos medios, están incluidos con esta carta. Durante dicho período de sujeción física, su hijo estuvo observado por personal capacitado en el uso de intervenciones físicas para toda manifestación de aflicción o dolor físico. El uso de sujeción física terminó inmediatamente al final de la situación de emergencia. Le brindamos esta información para su revisión y con el fin de obtener su perspectiva sobre dicha situación..

La información adjunta se rá archivada con los expedientes de elegibilidad de educación especial de su hijo para que el comité de admisión, revisión y retiro (ARD) pueda usarla al tomar en cuenta la necesidad de cambios en el programa educativo individualizado (IEP) y/o el plan de el plan de comportamiento de apoyo (BSP). Por favor llame a (*phone number*) si desea programar una reunión con el comité ARD para revisar el IEP o el BSP de su hijo.

Las normas del Comisionado para la Educación Especial, Sección 89.1053. Procedimientos para el Uso de Contención Física y Separación, indican que la sujeción o contención física de un estudiante con alguna discapacidad puede ser usada únicamente en una situación de emergencia claramente definida. Las escuelas deben informar a los padres cuando es necesario usar sujeción o contención física para proteger al estudiante, a los otros estudiantes o para prevenir daños graves a la propiedad.

Por favor comuníquese con (*insert name and pone number*) si desea programar una junta para hablar sobre los comportamientos que pueden resultar en el uso de sujeción o contención física. Si tiene otras preguntas, póngase en contacto conmigo al (*insert pone number*).

Muy atentamente,

Administrador de la escuela

c: Carpeta de Elegibilidad para Educación Especial

Anexos



## WRITTEN SUMMARY OF RESTRAINT USE\*

**Student name:** \_\_\_\_\_

**Date of restraint:** \_\_\_\_\_ **Time began:** \_\_\_\_\_ **Time ended:** \_\_\_\_\_

**Nature of restraint** (describe type of physical restraint used):

**Location of restraint:** \_\_\_\_\_

**Implemented by:** \_\_\_\_\_

**Name(s) of staff member(s) administering restraint:**

**Method of restraint:**

- ☐ Children's control position      ☐ Transport position      ☐
- ☐ Team control position      ☐ Interim control position

**Description of activity in which student was engaged immediately preceding the use of restraint:**

**Student's behavior that prompted the restraint:**

- ☐ Imminent serious physical harm to themselves  
☐ Imminent serious physical harm to others  
☐ Imminent serious property destruction

Explain student behavior(s) that prompted physical restraint:

**Efforts made to de-escalate the situation:**

- ☐ Provided choices      ☐ Verbal redirection      ☐ Calming techniques  
☐ Reduced demands      ☐ Reduced verbal interaction      ☐

Explain:

**Alternatives to restraint that were attempted:**

- ☐ Removal of other students      ☐ Request for assistance  
☐ Voluntary removal of student to another location      ☐

Explain:

**Observation of student at end of restraint:**

Copy Mailed/Given to Parent on \_\_\_\_\_ Placed in Special Education Eligibility Folder on \_\_\_\_\_



## Resumen escrito del uso de contención física\*

**Nombre del estudiante:** \_\_\_\_\_

**Fecha de la contención física:** \_\_\_\_\_ **Hora de inicio:** \_\_\_\_\_ **Hora de finalización:** \_\_\_\_\_

**Naturaleza de la contención física** (describa el tipo de contención física usada):

**Lugar de la contención física:** \_\_\_\_\_

**Implementado por:** \_\_\_\_\_

**Nombre(s) del(los) miembro(s) del personal que administraron la contención física:**

**Describe el metodo de la contención física**

- |   |  |                          |
|---|--|--------------------------|
| <input type="checkbox"/> Posición de control para niños | <input type="checkbox"/> Posición de transporte          | <input type="checkbox"/> |
| <input type="checkbox"/> Posición de control del equipo | <input type="checkbox"/> Posición de control provisional |                          |

**Descripción de la actividad en la que participaba el estudiante inmediatamente antes del uso de la contención física:**

**Conducta del estudiante que dio lugar a la contención física:**

- ☐ Inminente daño físico grave a sí mismo  
☐ Inminente daño físico grave a los demás  
☐ Inminente destrucción grave a la propiedad

Explicar la(s) conducta(s) del estudiante que dieron lugar a la contención física:

**Intentos realizados por desescalar la situación:**

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Darle opciones         | <input type="checkbox"/> Reorientación verbal          | <input type="checkbox"/> Técnicas para calmarlo |
| <input type="checkbox"/> Reducir las exigencias | <input type="checkbox"/> Reducir la interacción verbal | <input type="checkbox"/>                        |

Explicar:

**Alternativas que se intentaron usar, distintas a la contención física:**

- |  |                                      |
|--|--------------------------------------|
| <input type="checkbox"/> Retiro de otros estudiantes                   | <input type="checkbox"/> Pedir ayuda |
| <input type="checkbox"/> Retiro voluntario del estudiante a otro lugar | <input type="checkbox"/>             |

Explicar:

**Observación del estudiante al final de la contención física:**

Copia enviado/entregado a los padres en \_\_\_\_\_ Colocada en la Carpeta de Elegibilidad de Educación Especial en \_\_\_\_\_

## Documentation for Use of Time-Out

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[illegible]